

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROOT, INC., et al.

Plaintiffs,

Case No. 2:23-cv-00512

vs.

Judge Sarah D. Morrison

BRINSON CALEB SILVER, et al.,

Magistrate Judge Elizabeth Preston Deavers

Defendants.

**DEFENDANTS' BRINSON CALEB SILVER, COLLATERAL DAMAGE, LLC, AND
ECLIPSE HOME DESIGN, LLC'S JOINT BRIEF IN ADVANCE OF THIS COURT'S
SHOW CAUSE HEARING**

On Friday, June 16, 2023, Defendants Brinson Caleb Silver ("Silver"), Collateral Damage, LLC ("Collateral Damage") and Eclipse Home Design, LLC ("Eclipse") (collectively "Defendants") filed their Answers, provided Plaintiffs Root, Inc., Root Insurance Agency, LLC, and Caret Holdings, Inc., ("Root") and the Receiver with a list of Defendants' assets, and responded to Root's interrogatories, requests for admission, and requests for production.

Approximately one month prior, on May 12, Defendants' attorneys withdrew from the matter and Defendants were left without counsel. (ECF No. 96.) This Court ordered Eclipse and Collateral Damage to retain a trial attorney as provided for in Southern District of Ohio Civil Rule 83.4, within thirty days of the date of the Order. *Id.* Silver had just been ordered to disclose a list of his assets, (ECF. No. 86), and on top of that, the deadlines to file responsive pleadings and respond to discovery requests were looming. (ECF No. 112.) Without counsel, Defendants, who are inexperienced with the court system, struggled to make any forward progress.

During a telephonic status conference on May 26, 2023, Silver announced his intention to hire Flannery Georgalis LLC (“counsel”) to represent him and the two entities. (ECF No. 108). Once counsel entered their appearance on May 30, they immediately began working to make up for lost time. Recognizing the seriousness of the situation, Defendants worked closely with counsel to file and serve responsive pleadings, discovery responses, and required disclosures. As a result of their immediate action, 17 days after obtaining new counsel Defendants were able to file their Answers, provide Root and the Receiver with a list of their assets, and respond to Root’s discovery requests. Counsel continues to review the Court’s previous orders to ensure Defendants meet their requirements.

Defendants fully intend to work with counsel to ensure that, going forward, they remain in compliance with the Court’s orders and meet future deadlines. They therefore ask that, in light of the significant progress towards compliance they have made over the last two weeks, the Court not hold them in contempt.

Respectfully submitted,

/s/ Matthew L. Jalandoni

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Collateral Damage, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the represented parties by operation of the Court's electronic filing system. Notice of this filing will be sent to all other parties not represented by counsel via regular U.S. Mail. Parties may access this filing through the Court's system. A copy was also sent by ordinary U.S. Mail, postage prepaid, on June 19, 2023, to the following:

Paige McDaniel
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/s/ Matthew L. Jalandoni

Matthew L. Jalandoni

*Counsel for Defendants, Brinson Caleb Silver,
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LLC*